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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,) Case No. 2:21-CR-00091-TOR-1
Plaintiff)
vs.) DEFENDANT'S OBJECTIONS
ANTOINNE HOLMES,) AND CORRECTIONS TO THE
Defendant.) PRE-SENTENCE
) INVESTIGATION REPORT
) (FILE UNDER SEAL)

COMES NOW the Defendant, ANTOINNE HOLMES, by and through his attorney of record, Douglas D. Phelps of Phelps & Associates, P.S., and makes the following objections and corrections to the draft of the Presentence Investigation Report (ECF 88):

- 1) **Page 8, paragraph 28** – Mr. Holmes was driving and did not use at that
time. He does not deny general use (see paragraph 34).
- 2) **Page 8, paragraph 30** – U.S. Attorney has advised that there was not
adequate evidence to support charging of this allegation.
- 3) **Page 10, paragraph 37** – Mr. Holmes provided substantial assistance.
- 4) **Page 10, paragraph 38** – It was not determined the pills D.K. had ingested
were from Mr. Holmes. The Assistant U.S. Attorney acknowledges
insufficient evidence on this allegation involving D.K.
- 5) **Page 15, paragraphs 83, 87 and 89** – the incident cited in these paragraphs
was from the same Spokane Municipal Court case arising from a single
incident.
- 6) **Page 15, paragraph 87** – Mr. Holmes never exited the car. The passenger
in the car, Jayden Dan, exited the car.
- 7) **Page 22, paragraph 130** – Mr. Holmes provided substantial assistance.
- 8) **Page 24, paragraph 148** – Mr. Holmes provided substantial assistance.
- 9) **Page 27, paragraph 149** – The Defendant will address 18 U.S.C. §
3553(a) factors in his sentencing memorandum, but he notes that he
suffered a serious head injury and other injuries leading to opioid addiction.

The defendant respectfully requests that the above-listed corrections
or additions be made to the presentence report.

Respectfully filed this 8th day of June, 2022.

s/Douglas D. Phelps
WSBA #22620
Phelps & Associates, P.S.
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Assistant United States Attorney, Michael Ellis

U.S. Probations Officer, Jennifer Frieling

s/Douglas D. Phelps
WSBA #22620
Phelps & Associates, P.S.
Attorney for Defendant